

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Liqiang Wei

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☒ No

Subir Sachdev of Department of Physics and Charles
Lieber of Department of Chemistry and Chemical
Biology at Harvard University

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

U.S. DISTRICT COURT
DISTRICT OF MASS.

2018 AUG -9 AM 11:33

FILED
IN CLERK'S OFFICE

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Liqiang Wei

Street Address 1902 Karen Ct Apt 7

City and County Champaign

State and Zip Code IL 61822

Telephone Number 217-239-8584

E-mail Address liqiangwei@iphys.org

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Subir Sachdev
Job or Title (if known)	Professor and Chair
Street Address	Department of Physics
City and County	Harvard University
State and Zip Code	Cambridge, MA 02138
Telephone Number	(617) 495-3923
E-mail Address (if known)	chair@physics.harvard.edu; jmdavis@fas.harvard.edu

Defendant No. 2

Name	Charles Lieber
Job or Title (if known)	Professor and Chair
Street Address	Department of Chemistry and Chemical Biology
City and County	Harvard University
State and Zip Code	Cambridge, MA 02138
Telephone Number	(617) 496-3169
E-mail Address (if known)	cml@cmliris.harvard.edu; helen@chemistry.harvard.edu

Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name See the two defendants as listed.

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Other federal law *(specify the federal law)*:

42 U.S.C. § 1981.

☐

Relevant state law *(specify, if known)*:

☐

Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☒

Failure to hire me.

☐

Termination of my employment.

☒

Failure to promote me.

☐

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☐

Retaliation.

☐

Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
10/14/2016.

C. I believe that defendant(s) *(check one)*:

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☒

race Chinese

☐

color _____

☐

gender/sex _____

☐

religion _____

☒

national origin China

☒

age (year of birth) 53 *(only when asserting a claim of age discrimination.)*

☐

disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

See my Statement of Claim attached.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

NA.

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on (date) _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See my Relief attached.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/04/2018

Signature of Plaintiff

Printed Name of Plaintiff Liqiang Wei

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

I want to make a claim that Department of Physics and Department of Chemistry and Chemical Biology at Harvard University have been discriminating my job application for a full professor in theoretical physics and a full professor position in theoretical chemistry for age, race, or national origin reasons! There are essential fact and also many specific facts for this claim. Their discrimination has been in violation of the laws of equal right and equal access for all the people pursuant to 29 U.S.C. § 621 for the age reason and also pursuant to 42 U.S.C. § 1981 for the race or national origin reasons! I describe the related story as follows.

As can be seen from Attachment 1, that is my most recent job application materials submitted, I have made essential and major contributions in quantum physics and quantum mechanics, and have the greatest and decisive achievements in quantum many-body theory and quantum statistical mechanics. They are all paramount to all the application fields of modern physics, that include theoretical condensed matter physics and theoretical chemistry. I have been therefore a number one theoretical physicist and a number one theoretical chemist in the world at the present time. Also, I want to tell that these statements or facts can be readily examined, and can be open for discussion or debate in a democratic and professional way.

Nevertheless, I have applied for a full professor position in Department of Physics and a full professor position in Department of Chemistry and Chemical Biology at Harvard University for a long time but have been denied in all my job applications. This includes the most recent ones which I have applied for on October 14, 2016. In fact, the pool of a job offer from a major or department of a university like these ones is merely for several top candidates who are from all the national and international applicants yearly and who are typically the junior persons in their practicing fields of study during that year. Therefore, the fact that I have been a number one theoretical physicist and a number one theoretical chemist in the world at the present time and have the highest and far exceedingly distinguished qualification while I have been denied for all my job applications has constituted essential fact that is direct evidence for my asserting the claim for discrimination in general from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University against my job applications there. This discrimination can only be seen from age,

race, or national origin reasons, and cannot be seen from any other reasons as can be easily examined. Especially, there must be the discrimination that is based on the race or national origin reasons when considering the fact that I have begun a job application at Harvard University since 1989 but have never got a job!

As can be expected, it can also list specific facts or circumstantial evidences that are many for my alleging the claims for the discrimination for either of age, race, or national origin reasons from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University against my job applications.

First, it has been seeing the discrimination for the age reason from Department of Physics and Department of Chemistry and Chemical Biology at Harvard University against my job applications there. I was born on November 30 1963, and I was then 53 years old already. Under 29 U.S.C. § 631(a), I have been therefore in a protected class for my job applications for a long time.¹ As such, I must have the warranty, instead of the discrimination, in my job applications in this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University. Nevertheless, I have not seen this warranty from them yet! This is even under the situation that I have possessed the highest qualification and I can actually be an eminently retired physicist and an eminently retired chemist as have been described! Their oppressing practice and adverse action that have been seen or taken toward me so far on this consideration is unlawful pursuant to 29 U.S.C. § 621!

Second, it must be understood that it has also been seeing the discrimination for the race or national origin reasons from Department of Physics and Department of Chemistry and Chemical Biology at Harvard University against my job applications. It has been an observing fact that there is a small or little probability for the people of Chinese race or Chinese origin to get an academic job in the United States, and also the situations for those Chinese who can be successful to become a professor in the United States are varied greatly. There must be the discrimination in academic job recruitment in the United States for the people of Chinese race or Chinese origin as has been observed. For my case, this discrimination is much much severer and worse as have been seen. I am a Chinese, and my

¹ Because of this specifics or fact, I am seeking for the waiver of exhaustion for the EEOC administrative remedies on this consideration of the age discrimination.

supervisor for my getting a Ph.D. degree in the United States is a Chinese Taiwanese too. This has dramatically decreased my chance to get an academic job in the United States. Additionally, the manipulation of the actual bad reputation of this Chinese Taiwanese supervisor as must be known has furthermore decreased this chance to be zero and actually a negative number now, even though I personally do have the truly exceptional qualification on my own for all the jobs which I have applied for. As have been described, I am truly a number one theoretical physicist and truly a number one theoretical chemist in the world, and I have in fact far surpassed all those racists in academic researches. This fact but with a Chinese background on all of the consideration for me has become intolerable or impermissible for them. As must be observed, they have been only accepting those Chinese who are generally mediocre to them or doing the researches that are actually bad in nature or eventually. They have thus kept denying all my job applications, and have the persecution and murdering to me as have been seen. This is in violation of the law of equal right and equal access for all the people under 42 U.S.C. § 1981, nevertheless! In addition to this illegal action in murdering a number one theoretical physicist and a number one theoretical chemist with a Chinese race or background, it has been seeing the broken of good American tradition and policy in academic retirement, for example, among many others. Nowadays only, there have been even many very old racists in American universities who are still active or do not want to retire at all. They have stayed there oppressing and opposing me and my researches!

It must be known that in 1989 when I was in China, I have independently attained the greatest achievement in theoretical physics and in theoretical chemistry in the world, even though China has been still a developing country in science that includes physics and mathematics. See my publication in Chinese cited as [21] and [22] in my attached CV for details.² Most of this publication in Chinese have also been published in English as cited as [14 – 16] there. However, since I have obtained this greatest achievement in China that is before I arrived at the United States, this Chinese national origin for my research and research achievement together with my Chinese race, that must actually be the issue of a Chinese race too, has thus caused some persons in the United States including Harvard University who are

² Their LOC Registration # is TX 8-294-976.

racists to oppress and block my researches and research achievements starting from the year of 1989. I, possessing my research and research achievement stated, was then delayed for an entry to the United States for three years even as a graduate student. They have ignored the truthfulness of university of science that is without any racial or national origin consideration, however. It is again in violation of the law of equal right and equal access for all the people pursuant to 42 U.S.C. § 1981! Moreover, more than fifteen years ago, some persons in the United States including some of them from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University have begun further to oppress and block my academic development to be a professor, and have even organized the opposition, rejection and steal of my researches and research achievements as seen. There is now a crime of robbing my researches and murdering me led by the racists and racist organization in the United States, that even has also the cooperation and participation of the bad Chinese in China, Nobel Prizes Committees, etc. As can be easily examined, the frauds toward me and my researches are varied and also myriad and increasing, and I have been losing foods, medications, and residency from the persecution and murdering! These racists and racist organization have forgot the law of 42 U.S.C. § 1981 at the first consideration in destroying my academic development that must stop and be prosecuted!

For my specific job applications for the most recent year, it has seen the more specific oppressing practices and adverse actions that have been taken from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University against my job applications there. I have applied for the positions on October 14, 2016 but still could not hear anything from them within a reasonable time. As must be known, however, to treat me fairly or equally, they must have at least demonstrated their professionalism in considering my job applications and notifying their acceptance of my job applications immediately after receiving my job applications, that are truly exceptional and can only be the number one on all the aspects. Nevertheless, they have been failing to promote my job qualification on this consideration to become a full professor in this Department of Physics and a full professor in this Department of Chemistry and Chemical Biology at Harvard University as have been seen. On November 08, 2016, I could have a communication with Jolanta M. Davis, who is the Administrator to the then Chair, Masahiro Morii in Department

of Physics at Harvard University, as shown in the emails between me and her collected as Attachment 2a of this filing. As could be seen, Jolanta M. Davis or this Department of Physics have not done any professional and responsible job in reviewing my job application, that is even after my reminding them that I have applied for the other positions in Department of Chemistry and Chemical Biology and Department of Molecular and Cell Biology at Harvard University too. They have been still feigning ignorance that I have applied for a position in theoretical physics at Harvard University for many years already while I do have the highest and far exceedingly distinguished qualification for the job. Also, there must be the similar or actually worse situation for my application to a full professor position in theoretical chemistry in Department of Chemistry and Chemical Biology at Harvard University. Samely, this Department of Chemistry and Chemical Biology at Harvard University have been forgetting the basic rule and routine practice for a top department or a top university in the United States when seeing an exceptional candidate applying for a job, that must have a promotion. Accordingly, both of Department of Physics and Department of Chemistry and Chemical Biology have been discriminating my job applications with their oppressing practices as have been seen. Further, it must be understood that this discrimination must be mainly due to the race or national reasons. This is because I have been only achieved academically and I have also been most active on all the circumstances as have been observed. The oppressing practices for both of Department of Physics and Department of Chemistry and Chemical Biology at Harvard University have been in violation of the law of equal right and equal access pursuant to 42 U.S.C. § 1981! Furthermore, it has continued to see the adverse actions from both of this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University in finally denying my job applications there for that year too, still ignoring my highest job qualification that is only exceptional. They have not only failed to promote my job qualification as demonstrated but have also been actually refusing to have a consideration of my job qualification as must be seen. As shown in the fourth email of Attachment 2a dated on January 24, 2017, this Department of Physics at Harvard University have rejected a response to my further inquiry about my job application, that must be mainly due to the reason that they have been actually afraid to have an expertised or professional discussion for my researches and for my job

qualification. Obviously, they have taken final adverse action in denying my job application already that cannot have any rationales. On February 15, 2017, I have received a ridiculous email of notification from Department of Chemistry and Chemical Biology at Harvard University that speaks nonsense in denying my job application. Also, they have been rejecting to have a response to my further questioning to them for the position that must be for the same reason stated. See Attachment 2b for the email. The oppressing practice and adverse action of the discrimination from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University against my job applications that must be for the race or national origin reasons as said are in the same violation of the law of equal right and equal access pursuant to 42 U.S.C. § 1981!

To conclude, based on essential fact that is direct evidence as described, I have asserted the claim for discrimination in general for age, race, or national origin reasons from Department of Physics and Department of Chemistry and Chemical Biology at Harvard University against all my job applications there pursuant to 29 U.S.C. § 621 or 42 U.S.C. § 1981! Furthermore, based on many specific facts or circumstantial evidences as demonstrated, I have also alleging the claims for the discrimination for either of age, race, and national origin reasons. They are the claim for the discrimination for the age reason pursuant to 29 U.S.C. § 621 and the claim for the discrimination for the race or national origin reasons pursuant to 42 U.S.C. § 1981! All the oppressing practices and adverse actions that have been seen or taken from this Department of Physics and this Department of Chemistry and Chemical Biology at Harvard University for discrimination have been in violation of the laws of equal right and equal access for all the people under these 29 U.S.C. § 621 and 42 U.S.C. § 1981, that must stop and be punished! There must be thereby an injunctive relief for my case and especially an emergent rescue for me and for my life! Particularly, the Court must order Department of Physics and also Department of Chemistry and Chemical Biology at Harvard University to offer me a full professor position in theoretical physics and a full professor position in theoretical chemistry immediately! Also, the Court must order this Department of Physics and also this Department of Chemistry and Chemical Biology at Harvard University to compensate all the losses for me starting from the fall of 1989 whence I have been actually promoted and offered the stated jobs already! Please let me know right away if you have any

Statement of Claim

08/04/2018

Liqiang Wei

further questions for my filing!

Because of discrimination from Department of Physics and Department of Chemistry and Chemical Biology at Harvard University in all my job applications, as have been seen and described from my Statement of Claim, I have been persecuting and murdering in all my career developments and advancements, and I have also been living in holocausts and have been in an extremely miserable and tragic life, even though I have been a number one theoretical physicist and a number one theoretical chemist in the world!

I ask the Court to order them for their acceptance of my job applications for a full professor position in theoretical physics in Department of Physics and a full professor position in theoretical chemistry in Department of Chemistry and Chemical Biology at Harvard University immediately so that I can work and I can live!

I particularly ask the Court to order an emergent rescue from them right now for my personal life and work, getting out of destruction!

I particularly ask the Court to order an emergent treatment of my resulting and varied health and medical issues occurring in recent years that have been endangering my life!

I ask the Court to order them in due course to compensate all the losses for all my career developments and advancements as a number one theoretical physicist and a number one theoretical chemist in the world and also all the losses for all my personal lives starting from the fall of 1989 whence I have been actually promoted and offered a full professor position in theoretical physics in this Department of Physics and a full professor position in theoretical chemistry in this Department of Chemistry and Chemical Biology at Harvard University!